

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

WAYNE SYMMONDS,

Plaintiff,

v.

WASHINGTON DEPARTMENT OF
CORRECTIONS,

Defendant.

CASE NO. C15-5535 BHS-DWC

ORDER DENYING MOTION

The District Court has referred this 42 U.S.C. § 1983 action to United States Magistrate Judge David W. Christel. Currently pending in this action is Plaintiff's Motion On Case of Discovery to be Heard by Court ("Motion"). Dkt. 23. After a review of the Motion and relevant record, Defendant's response (Dkt. 24) and Plaintiff's reply (Dkt. 25), Plaintiff's Motion is denied.

BACKGROUND

Plaintiff Wayne Symmonds is a Washington State inmate who has filed a 42 U.S.C. § 1983 civil rights case over Defendant's confiscation of nine pre-franked envelopes from Plaintiff when Plaintiff failed to put his name on the envelopes as required by prison policy. Dkt. 1.

1 Defendant has answered Plaintiff's complaint and the Court issued a Scheduling Order on
2 December 3, 2015 (Dkt. 18) setting a discovery deadline of June 3, 2016 and a dispositive
3 motion filing deadline of July 3, 2016.

4 **DISCUSSION**

5 Plaintiff requests the Court "put this case of discovery to be heard by Judge on this case."
6 Dkt. 23, p. 1. It is unclear the relief Plaintiff seeks in his Motion, but it appears Plaintiff is
7 seeking a hearing on a discovery matter or on the merits of his case. *See* Dkt. 22, 23, 25.
8 Therefore, the Court will interpret this Motion as a motion for a hearing. *See* Dkt. 23.

9 At this time, the Court does not find a hearing necessary. Defendants assert Plaintiff has
10 not served any discovery requests at this time. Dkt. 24. Thus, it appears there are no discovery
11 related matters which require a hearing. At the time Plaintiff filed the Motion, the discovery
12 period was still pending. Dkt. 18. Further, the dispositive motions deadline does not expire until
13 July 3, 2016. Dkt. 18. Therefore, any hearing (such as a trial) on the merits of Plaintiff's case is
14 premature.

15 The Court notes Plaintiff may file a written motion with the Court to resolve any
16 discovery disputes or to re-open the discovery period. Plaintiff may also file a motion for
17 summary judgment on or before July 3, 2016 seeking judgment on the merits of his Amended
18 Complaint.

19 As Plaintiff has not shown a hearing is necessary at this time, Plaintiff's Motion is denied
20 without prejudice.

21 Dated this 17th day of June, 2016.

22 

23 David W. Christel
24 United States Magistrate Judge